

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL Z. MALDONADO #432966 and
BRANDON C. ARMSTRONG DOC #481975,

Petitioners,

v.

THE DANE COUNTY CIRCUIT COURT,
THE HONORABLE C. WILLIAM FOUST,
Presiding and/or THE WISCONSIN
COURT OF APPEALS,

Respondents.

ORDER

08-cv-290-bbc

In an order entered in this case on May 23, 2008, Magistrate Judge Stephen Crocker gave petitioners Daniel Maldonado and Brandon Armstrong until June 13, 2008, in which to advise the court whether they wished to prosecute this action jointly despite the consequences of doing so under the Prison Litigation Reform Act. In addition, the magistrate judge told petitioners that if they were to confirm their intention to prosecute this action, they would have to submit trust fund account statements so that they could be assessed an initial partial payment of the \$350 fee for filing their complaint. Finally, the magistrate judge told petitioners that if they did not wish to pursue the action or failed to submit their trust fund account statements, they would

be considered to have withdrawn from this lawsuit voluntarily and they would not owe a filing fee for bringing this action. Now petitioner Maldonado has submitted a letter dated May 29, 2008, in which he states that “*we* will officially withdraw this action.”

I construe petitioner Maldonado’s letter as a notice that he will withdraw from the lawsuit. However, I cannot construe the notice to include a notice of withdrawal from petitioner Armstrong, because it is not signed by Armstrong. If petitioner Armstrong wishes to withdraw from this case, he will have to submit his own notice or simply allow the June 13, 2008 deadline to expire without a response from him.

ORDER

IT IS ORDERED that petitioner Daniel Z. Maldonado’s notice that he has withdrawn voluntarily from this action is ACCEPTED.

Petitioner Brandon Armstrong will be considered to have withdrawn from the action, if, by June 13, 2008, he has not responded to Magistrate Judge Stephen Crocker’s order of May 23, 2008.

Entered this 6th day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge